
SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle that is not equipped with an ignition interlock device for the remainder of the person's life if the person has a prior conviction for operating while intoxicated within 10 years before the current conviction. Makes conforming amendments. Repeals superseded provision.

Effective: July 1, 2010.

Waltz

January 11, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 286

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) A person who violates a court
3 order issued under section 16 **or 18** of this chapter commits a Class A
4 misdemeanor.

5 (b) Except as provided in subsection (c), a person who knowingly
6 assists another person who is restricted to the use of an ignition
7 interlock device to violate a court order issued under this chapter
8 commits a Class A misdemeanor.

9 (c) Subsection (b) does not apply if the starting of a motor vehicle,
10 or the request to start a motor vehicle, equipped with an ignition
11 interlock device:

12 (1) is done for the purpose of safety or mechanical repair of the
13 device or the vehicle; and

14 (2) the restricted person does not operate the vehicle.

15 (d) A person who, except in an emergency, knowingly rents, leases,
16 or loans a motor vehicle that is not equipped with a functioning ignition
17 interlock device to a person who is restricted under a court order to the



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1 use of a vehicle with an ignition interlock device commits a Class A
2 infraction.

3 (e) A person who is subject to an ignition interlock device
4 restriction and drives another vehicle in an emergency situation must
5 notify the court of the emergency within twenty-four (24) hours.

6 SECTION 2. IC 9-30-5-10, AS AMENDED BY P.L.126-2008,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2010]: Sec. 10. (a) In addition to a criminal penalty imposed
9 for an offense under this chapter or IC 14-15-8, the court shall, after
10 reviewing the person's bureau driving record and other relevant
11 evidence, recommend the suspension of the person's driving privileges
12 for the fixed period of time specified under this section. The court may
13 require that a period of suspension recommended under this section be
14 imposed, if applicable, before a period of incarceration or after a period
15 of incarceration, or both before and after a period of incarceration, as
16 long as the suspension otherwise complies with the periods established
17 in this section.

18 (b) If the court finds that the person:

19 (1) does not have a previous conviction of operating a vehicle or
20 a motorboat while intoxicated; or

21 (2) has a previous conviction of operating a vehicle or a
22 motorboat while intoxicated that occurred at least ten (10) years
23 before the conviction under consideration by the court;

24 the court shall recommend the suspension of the person's driving
25 privileges for at least ninety (90) days but not more than two (2) years.

26 (c) If the court finds that the person has a previous conviction of
27 operating a vehicle or a motorboat while intoxicated and the previous
28 conviction occurred more than five (5) years but less than ten (10)
29 years before the conviction under consideration by the court, the court
30 shall recommend the suspension of the person's driving privileges for
31 at least one hundred eighty (180) days but not more than two (2) years.
32 The court may stay the execution of that part of the suspension that
33 exceeds the minimum period of suspension and grant the person
34 probationary driving privileges for a period of time equal to the length
35 of the stay.

36 (d) If the court finds that the person has a previous conviction of
37 operating a vehicle or a motorboat while intoxicated and the previous
38 conviction occurred less than five (5) years before the conviction under
39 consideration by the court, the court shall recommend the suspension
40 of the person's driving privileges for at least one (1) year but not more
41 than two (2) years. The court may stay the execution of that part of the
42 suspension that exceeds the minimum period of suspension and grant

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the person probationary driving privileges for a period of time equal to the length of the stay. ~~If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.~~

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

SECTION 3. IC 9-30-5-16, AS AMENDED BY P.L.172-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. (a) Except as provided in subsections (b) and (c) and ~~section~~ **sections 10 and 18** of this chapter, the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting probationary driving privileges:

(1) under

~~(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or~~

~~(B) section 12(c) of this chapter; or~~

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(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an element;

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, **except as provided in section 18 of this chapter**, a court is not required to order the installation of an ignition interlock device for a person described in subdivision (1) or (2) if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.

(c) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

- (1) Has been convicted of violating section 1 or 2 of this chapter.
- (2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.
- (3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle.

SECTION 4. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 18. (a) As used in this section, "impaired driving offense" means an offense described in IC 9-30-5-1 through IC 9-30-5-5.**

(b) If a person has, within the ten (10) years preceding the conviction under consideration, a previous conviction for an impaired driving offense, the court shall, in addition to any sentence imposed on a person for a felony or a misdemeanor, prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 for the remainder of the person's life.

(c) A person prohibited from operating a motor vehicle without having an ignition interlock device installed shall pay the cost of installation and monitoring unless the court determines that the person is indigent.

SECTION 5. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.** The bureau shall adopt rules under IC 4-22-2 to establish standards and specifications for an ignition interlock device. ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at

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a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning that a person tampering with or misusing the device is subject to a civil penalty.

SECTION 6. IC 9-30-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. If a court orders a person ~~under IC 9-30-5-16~~ to operate only a vehicle that is equipped with an ignition interlock device, the bureau shall include that condition when issuing a license.

SECTION 7. IC 9-30-8-1 IS REPEALED [EFFECTIVE JULY 1, 2010].

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